

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

TAMARA M. LOERTSCHER

Plaintiff,

CIVIL ACTION

v.

Case No. 14-cv-870

J.B. VAN HOLLEN, in his official capacity as
ATTORNEY GENERAL OF THE
STATE OF WISCONSIN, and

ELOISE ANDERSON, in her official capacity as
SECRETARY OF THE DEPARTMENT OF
CHILDREN AND FAMILIES,

Defendants.

PLAINTIFF'S SECOND MOTION TO FILE UNDER SEAL

Plaintiff Tamara M. Loertscher hereby respectfully moves this Court to seal Exhibits B and C to Plaintiff's Proposed Findings of Fact ("Proposed Findings") submitted in connection with Plaintiff's Motion for Preliminary Injunction. Plaintiff is also filing Exhibit A to the Proposed Findings under seal but submits that Exhibit A should be unsealed.

Exhibit A contains the Temporary Physical Custody Request and the Petition for Protection or Care of an Unborn Child ("CHIPS Petition") that were filed in *In the Interest of J. Doe, an unborn child, and Tamara Loertscher*, Case No. 14-JC-09. That exhibit consists of court records from a juvenile-court proceeding and is therefore being filed under seal for the reasons set forth in Plaintiff's Compulsory Motion To File Documents Under Seal ("Compulsory Motion"). *See* ECF. No. 2; *see also* Wis. Stat. § 48.396(2)(a). However, for the reasons set forth in the Compulsory Motion and Plaintiff's Brief in Opposition to Plaintiff's Compulsory Motion

To File Under Seal, *see* ECF Nos. 2-3, Exhibit A to the Proposed Findings (with home addresses and dates of birth redacted, pursuant to this Court's rules governing mandatory redaction) is ready to be, and should be, disclosed to the public.

Exhibit B contains the exhibits initially filed with the August 5, 2014, CHIPS Petition. *See* ECF No. 1-2, Compl., Ex. A at 2:17-19. Exhibit C contains the exhibits initially filed in connection with the September 4, 2014, Adjourned Plea Hearing and Motion Hearing. *See* ECF No. 1-8, Compl., Ex. G at 2:6-12. Exhibits B and C contain Plaintiff's confidential medical records. Such records plainly contain the type of highly private, confidential information that gives rise to a real and substantial interest in nondisclosure. Indeed, these records would have remained private, not only from the public but also from the State of Wisconsin, but for the law which is the subject of the constitutional challenge in this federal civil-rights action. Moreover, there is no public interest whatsoever in the disclosure of Plaintiff's confidential medical records. Thus, Plaintiff's interest in maintaining the confidentiality of Exhibits B and C far outweighs the public interest in the disclosure of these exhibits, and the exhibits should be sealed. *See generally* *In re Cont'l Ill. Sec. Litig.*, 732 F.2d 1302, 1313-14 (7th Cir. 1984).

Accordingly, Ms. Loertscher respectfully requests that this motion to seal be denied with respect to Exhibit A, and granted with respect to Exhibits B and C, to Plaintiff's Proposed Findings of Fact submitted in connection with Plaintiff's Motion for Preliminary Injunction.

Dated this 7th day of January, 2015.

Respectfully submitted,

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